

REMARKS

As an initial matter, Applicant thanks the Examiner for indicating that claim 16 recites allowable subject matter. As described in more detail below, Applicant has amended the claims to place the application in condition for allowance.

Applicant has amended claim 2 to include the features of allowable claim 16 and canceled claim 16. Accordingly, claim 2 is allowable. Claims 7-11, 13-15, and 17 are also allowable at least due to their dependence on claim 2.

Although Applicant does not necessarily agree with the claim rejections under 35 U.S.C. §§ 102(b) and 103(a) in the Office Action, the above-mentioned claim amendments should obviate these rejections. Accordingly, Applicant respectfully requests that the claim rejections be withdrawn.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing the claims in condition for allowance. Applicant submits that the proposed amendment of claim 2 does not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, because the Examiner previously considered the feature recited in this claim. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final Office Action presented some new arguments as to the application of the art against the claims. Applicant respectfully submits that entering this response would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the amendment places the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that the claims, as amended, are in condition for allowance. Applicant therefore requests the entry of this Amendment, reconsideration of the application, and allowance of the claims.

The final Office Action may contain characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the final Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 8, 2010

By: _____



Raymond M. Gabriel
Reg. No. 62,651
(202) 408-4000